

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA, *et
al.*,

Plaintiffs,

v.

APPLE INC.,

Defendant.

Civil Action No.

24-4055 (JXN) (LDW)

ORDER

THIS MATTER having come before the Court by way of non-party Match Group, Inc.'s Motion to Intervene for the limited purpose of obtaining Protective Order provisions restricting Apple employees' access to its competitively sensitive and highly confidential information. (ECF 156); and

WHEREAS in a joint letter dated September 20, 2024, the parties informed the Court that they had reached impasse regarding, among other things, the terms of a proposed Protective Order governing disclosure of confidential information. (ECF 117); and

WHEREAS given the anticipated extent and importance of third-party discovery in this action, Plaintiffs requested that the Court allow non-parties to submit their own position statements concerning the terms of the proposed Protective Order. (*Id.*); and

WHEREAS numerous non-parties who previously produced competitively sensitive information to the Department of Justice or expect to do so during the course of the litigation filed letters objecting to various provisions in the parties' proposed Protective Order. The Court received position statements not only from Match Group, but also from Samsung Electronics America, Inc., Google LLC, Capital One Financial Corporation, Garmin International, Inc.,

JPMorgan Chase Bank, N.A., Meta Platforms, Inc., Microsoft Corp., and PayPal, Inc. (ECF 123, 154, 156-2, 157); and

WHEREAS none of the other non-parties have sought to intervene in this action; and

WHEREAS the Court held a case management conference on October 10, 2024 to address the parties' disputes regarding the proposed Protective Order and permitted counsel for the non-parties, including counsel for Match Group, to appear and state their positions on the record; and

WHEREAS at the October 10, 2024 conference, the Court gave guidance as to the need for the Protective Order to include a multi-tiered confidentiality structure and directed the parties to meet and confer further, both amongst themselves and with the non-parties, and submit a revised proposed Protective Order that appropriately protects competitively sensitive information produced by non-parties; and

WHEREAS the Court will consider the parties' revised proposed Protective Order in conjunction with the comments and proposals submitted by Match Group, Samsung, Google, Capital One, Garmin, JPMorgan Chase, Meta, Microsoft, and PayPal without requiring the non-parties to formally intervene in this action; therefore,

IT IS on this day, October 29, 2024, **ORDERED** that Match Group's Motion to Intervene (ECF 156) is **TERMINATED WITHOUT PREJUDICE** as moot.

s/ Leda Dunn Wettre
Hon. Leda Dunn Wettre
United States Magistrate Judge